

Message Text

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ACTION L-03

INFO OCT-01 ARA-11 ADP-00 VO-03 SCA-01 JUSE-00 RSR-01

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FM AMEMBASSY BUENOS AIRES

TO SECSTATE WASHDC 1551

LIMITED OFFICIAL USE BUENOS AIRES 2287

E. O. 11652: N/ A

TAGS: SNAR, AR (CABALLERO LINARES, PEDRO)

SUBJ: NARCOTICS: EXTRADITION, PEDRO CABALLERO LINARES

REF BA 1138

1. CABALLERO LINARES IS PRESENTLY CHARGED WITH TWO CRIMES HERE IN ARGENTINA: CONTRABAND (SMUGGLING) AND FALSIFICATION OF DOCUMENTS (PASSPORT ALTERATION). EACH OF THESE CHARGES IS BEING CONSIDERED BY A SEPARATE COURT IN THAT THE FIRST CHARGE IS AN ECONOMIC OFFENSE WHEREAS THE SECOND CHARGE IS A CRIMINAL OFFENSE. IN ADDITION, OUR EXTRADITION REQUEST IS BEING CONSIDERED BY YET A THIRD COURT, BUT NO ACTION CAN BE TAKEN ON THE REQUEST UNTIL THE LOCAL CHARGES HAVE BEEN RESOLVED.

2. IN THE OPINION OF THE FOREIGN OFFICE, STRONG EVIDENCE EXISTS TO PROVE THE GOA CASE ON THE FALSIFICATION OF DOCUMENTS CHARGE. HOWEVER, THE CASE FOR THE STATE ON THE CONTRABAND CHARGE IS RATHER WEAK AND IS NOT EXPECTED TO HOLD UP IN COURT. CABALLERO LINARES MAY TRY TO DEFEND HIMSELF AGAINST EXTRADITION BY POINTING OUT THAT THE US DESIRES TO TRY HIM FOR CONSPIRING TO COMMIT A CRIME (BRINGING DRUGS INTO THE US) WHICH ACTUALLY WAS COMMITTED IN ARGENTINA (THE DRUGS TO BE TRANSFERRED TO THE US WERE PHYSICALLY BROUGHT HERE FIRST WHERE THEY WERE CAPTURED). THUS HE MIGHT CLAIM THAT EXTRADITION SHOULD BE DENIED ON THE BASIS THAT HE WOULD BE TRIED TWICE FOR THE SAME CRIME.

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3. THE FOREIGN OFFICE HAS NO OPINION ON THE POSSIBLE OUTCOME OF THE EXTRADITION REQUEST. IN ANY EVENT THERE IS LITTLE DOUBT CONCERNING CABALLERO LINARES' DESIRE TO REMAIN UNDER THE PROTECTION OF THE STATE IN THAT HE FEARS MEMBERS OF HIS OWN ORGANIZATION DESIRE TO KILL HIM.

4. CABALLERO LINARES HAS HIRED AS HIS COUNSEL DR TEOFILO LAFUENTE WHO HAS BEEN FOR THE LAST TWENTY YEARS THE ATTORNEY FOR THE FAMILY OF EVA ("EVITA") DUARTE PERON, DECEASED AND IDOLIZED WIFE OF JUSTICIALISTA LEADER AND FORMER ARGENTINE PRESIDENT, JUAN DOMINGO PERON.
LODGE

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*** Current Handling Restrictions *** n/a

*** Current Classification *** LIMITED OFFICIAL USE

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